

T.H., A MINOR, BY AND THROUGH HIS
PARENTS, DEANA AND CHRISTOPHER
HART,

Defendant.

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JURY DEMANDED

Case 3:17-cv-00008 Document 21 Filed 11/08/17 Page 1 of 4 PageID #: 172

3. Plaintiffs filed suit against the Defendant on June 13, 2016 in the General Sessions Court for Davidson County, Tennessee, Case No. 16GC-10322. The parties subsequently agreed to removed the matter from the General Sessions Court to the Circuit Court for Davidson County, Tennessee, Docket No. 16C-1954. On January 5, 2017, Defendant removed this matter to the United States District Court for the Middle District of Tennessee at Nashville, as Docket No. 3:17-cv-00008. The Complaint alleges that T.H. suffered injury as a result of his use of a Fisher-Price “Rock n’ Play.” Plaintiffs claim the Defendant is legally responsible for injuries to Plaintiffs.

4. While denying liability, Defendant has agreed to the terms of the Settlement Agreement of the Plaintiffs’ claim, subject to approval of the Court.

5. Negotiations have been carried out by representatives for Plaintiffs and Defendant. The Parties have agreed to settle the Plaintiffs’ claims for injury to Plaintiffs, subject to the approval of the Court of the terms set out in the Parties' Settlement Agreement, which will be presented to the Court *in camera*, and the subsequent dismissal of all claims against Defendant, upon the merits, with prejudice.

6. The Parties jointly request that this Court approve the terms set forth herein as a full and final compromise and settlement of any and all claims that Plaintiff, T.H., by and through his parents and guardians, Deana and Christopher Hart, may have against the Defendant, and that, upon approval, Defendant be relieved and discharged from any and all liability, claims, demands, damages, actions, causes of actions, costs, expenses, and suits of every nature, past, present, and future that the Plaintiffs, may now have or hereafter have, whether known or unknown, on account of, or arising out of, the injury that allegedly occurred as described in Plaintiffs’ lawsuit.

7. The terms as set out in the Settlement Agreement are fair, reasonable, and in the manifest best interest of the minor, T.H., in particular when considering the uncertainty of a jury trial, litigation, and appeals.

8. By way of Settlement, Fisher-Price has offered to pay the following sums:

A. \$12,500.00 payment to Deana and Christopher Hart for the use and benefit of T.H.

9. Because T.H. is a minor, it is in his best interest that Deana and Christopher Hart, as his parents and natural guardians receive payment to be used for the benefit of T.H.

10. Further, the Parties agree that this Joint Petition for Approval of Compromise and Settlement shall be incorporated by reference into the order approving compromise and final settlement as if set out *verbatim* therein.

WHEREFORE, the Parties request an Order of this Court finding that the Settlement Agreement is fair, reasonable and in the manifest best interest of the minor, T.H. The Parties further request that the Court approve the terms of the Parties' Settlement Agreement. The Parties finally request any other such relief as this Court deems proper and appropriate.

Respectfully submitted,

/s/ David M. Rich w/permission

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*Attorney for Deana And Christopher Hart on behalf
of T.H., a minor*

/s/ Clarence Risin, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of November, 2017, a true and exact copy of the foregoing **JOINT PETITION FOR APPROVAL OF COMPROMISE AND SETTLEMENT OF MINOR'S CLAIM** was filed electronically with the Court's CM/ECF electronic filing system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

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Attorney for Plaintiffs

/s/ Clarence Risin
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